

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR.

ORDER

Smt. Sonu Bai alias Versus Pawan Kumar.
Shakuntla.

S.B. Criminal Misc. Petition No. 1258/2006

...

Date of Order: July 17, 2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Santosh Choudhary, for the petitioner.
Mr. R.K. Charan, for the respondent.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 24-8-2006 passed by the Judicial Magistrate, Rawatbhata, district Chittorgarh (for short, "the trial Court" hereinafter), whereby in a case instituted by the petitioner under Section 125 Cr.P.C. seeking monthly allowance of maintenance, the evidence of the petitioner was closed.

I have heard learned counsel for the parties.

It appears from the order impugned that the petitioner-complainant fell ill on the relevant date of recording her evidence and an application was moved for her appearance as a witness on some other date as on the relevant date she

could not appear due to her illness. However, without assigning any reason, the trial Court, vide impugned order, dismissed the application and closed the evidence of the petitioner. Therefore, the impugned order cannot be sustained.

The criminal miscellaneous petition is, therefore, allowed and the impugned order is set aside. The trial Court is directed to afford an opportunity to the petitioner to produce herself for recording her evidence.

(H.R. PANWAR), J.

mcs